

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	
	)	Docket no. 2:14-CR-27-GZS
ERIC MITCHELL,	)	
	)	
	)	
Defendant.	)	
	)	

**ORDER ON DEFENDANT’S MOTION FOR RECOVERY OF PROPERTY**

Before the Court is Defendant’s pro se Motion for Recovery of Property (ECF No. 67). By way of this Motion, Defendant Eric Mitchell (“Mitchell”) asks that this Court order the United States to return monies that were seized from him in connection with two separate seizures related to the underlying charges in this criminal case. The Court notes that Defendant ultimately pled guilty to those charges pursuant to a plea agreement on April 29, 2014. See ECF Nos. 37-40. Thereafter, he was sentenced on November 7, 2014.

As the Government explains in its Response, \$16,310 cash was seized from a vehicle occupied by Mitchell and Paul Robinson on June 29, 2012. Although seized by state officials, those monies were turned over to the DEA. Thereafter, the funds were the subject of an administrative forfeiture proceeding that began when notices were first mailed to Mitchell and Robinson on July 31, 2012 and concluded on November 23, 2012 after no properly executed claims were received within the time limit. See Rashid Aff. (ECF No. 71) ¶4 & Exs. 2-17. Because the Court concludes that the \$16,310 cash was administratively forfeited by Mitchell and also alternatively concludes that Mitchell waived any claim to these forfeited funds as part of his plea

agreement (ECF No. 38), the Court DENIES Defendant's Motion to the extent it seeks to recover these funds seized on June 29, 2012.

Likewise, the Government acknowledges in its Response that on October 17, 2013, an agent with the Maine DEA seized \$970 in cash from Mitchell's pocket and then subsequently seized an additional \$2,952 in cash from Mitchell's residence. As the Government explains by way of the Affidavit of Thomas Pappas (ECF No. 72), the agent involved in those seizures, those funds remain in the custody of Maine DEA and, as a result, the United States does not have possession or control of the funds in question. Therefore, any request from Mitchell to recover those funds must be directed at the State of Maine. For that reason, the Court DENIES Defendant's Motion to the extent it seeks to recover any funds seized by Maine DEA on October 17, 2013.

For reasons briefly explained here and also adequately explained in the Government's Response (ECF No. 70) and the accompanying affidavits (ECF Nos. 71 & 72), Defendant's Motion for Recovery of Property is DENIED.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 1st day of September, 2015.